

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MITSUI O.S.K. LINES, LTD.,  
Plaintiff,  
v.  
CB FREIGHT INT'L, INC., et al.,  
Defendants.

Case No. [15-cv-05289-KAW](#)

**ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE;  
ORDER REQUIRING APPEARING  
PARTIES TO FILE A STIPULATION**

Plaintiff Mitsui O.S.K. Lines, Ltd. filed this lawsuit against defendants alleging unpaid freight charges pursuant to an ocean bill of lading. All defendants except for CB Freight International, Inc. have appeared. Plaintiff and all appearing defendants have consented to the jurisdiction of the undersigned magistrate judge. CB Freight has not appeared and, therefore, has not consented to the undersigned's jurisdiction, and default was entered against CB Freight on March 2, 2016.

On August 9, 2016, Plaintiff and Defendant Sky-World Express International, Inc. filed a case management conference statement stating that they have reached a settlement and expect to file a dismissal within 90 days. (Dkt. No. 37.) The Court may not dismiss a case without the consent of all parties. Thus, there are two procedures that the Court may follow. First, the Court could order the case reassigned to a district court judge. Second, the Court may retain jurisdiction of Plaintiff's case against the appearing defendant if the appearing parties stipulate to sever the claims against the non-appearing defendant from this case. *See* Order Granting Stipulation to Sever, *Livingston v. Art.com*, No. 13-03748-CRB (JSC) (N.D. Cal. Nov. 27, 2013), ECF No. 35. In the event of such a stipulation, the case against the non-appearing defendant would be assigned a new case number and the case would remain assigned to this judge. Should a motion for a

1 default judgment be filed, the undersigned would issue a report and recommendation for review by  
2 a district court judge.

3 Accordingly, on or before August 24, 2016, the appearing parties shall either (1) file a  
4 stipulation agreeing to severance, or (2) advise the Court that the case should be reassigned.

5 Furthermore, at the request of the appearing parties, the case management conference  
6 scheduled for August 16, 2016 is continued to December 13, 2016 at 1:30 p.m.

7 IT IS SO ORDERED.

8 Dated: August 12, 2016

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10 KANDIS A. WESTMORE  
11 United States Magistrate Judge  
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